

MINUTES OF THE MEETING OF

STATE BOARD OF REGISTRATION FOR PROFESSIONAL SURVEYORS

Friday, February 10, 2017 at 8:30 a.m.

Indiana Government Center South, Room W064

402 West Washington Street,

Indianapolis, Indiana

I. APPLICATION COMMITTEE MEETING **8:30 a.m.**

II. CALL TO ORDER & ESTABLISHMENT OF QUORUM **9:00 a.m.**

Board Members Present:

Christine Arnold (CA)
Ross Holloway (RH)
Gary Kent (GK)
Richard Hudson (RHudson)
Mike DeBoy (MD)
Jason Henderson (JH)
Doug Lechner (DL)

Staff Members Present:

Amy Hall, Board Director
Rebecca Parker, Assistant Board Director
Gordon White- Advisory Council

III. ADOPTION OF AGENDA

Motion was made to **APPROVE** the agenda- RH/MD

Motion passed: 7/0/0

IV. ADOPTION OF THE MINUTES FROM October 14, 2016 MEETING

- Motion made to **APPROVE** (with corrections) - MD/DL
Motion passed: 7/0/0
- **Motion made to APPROVE minutes from January 20, 2017 (Special Meeting)**
GK/DL- Motion passed: 7/0/0

V. REPORT FROM THE ATTORNEY GENERAL

- Mat Rayman will be the new DAG for the Surveyor Board. He will be under the supervision of Jennifer Williams.
- Mr. Rayman gave the OAG report. The average age of the report is skewed because of a couple of old cases that have been re-opened and because of the subject of the hearings today.

VI. REPORT FROM THE BOARD LIAISON

- Gary Kent met with the Attorney General's Office to do some training on reviewing surveys. Mr. Kent stated that he is pleased that Mr. Rayman will be stepping in as the new DAG.

VII. PROBATIONARY REPORTS

1. **J. Bernard Feeney:** RH – received nothing, but had the hearing today and he will start submitting.
2. **Morrison:** GK – Hearing
3. **Kondy:** GK – Hearing
4. **John Stuart Allen:** JH – he has been very diligent in reporting. Board extended the time period to allow him to get the necessary CE. JH expects to hear that he will be submitting to get off probation.

5. **Michael Sadlon:** RH – has heard nothing, but staff says he has been submitting reports.
6. **Williams:** He renewed inactive and board said to not appear if he was doing no surveys.
7. **Haworth:** GK – he has been submitting reports and GK has been reviewing and commenting: His work is encouraging. - He has submitted a Petitioned to be removed from probation. Hearing today.

VIII. ADMINISTRATIVE HEARINGS

9:33 a.m.

1. **Thomas J. Boofter** – CONTINUED
2. **Carlos Pedrazza** – CONTINUED
3. **J. Bernard Feeney** - License No. LS80040309 – Cause No. SBRLS 99-14 non-compliance with probationary order. Mr. Masters (Feeney attorney); Mat Rayman (State attorney). Mr. Feeney has submitted sworn statement. Copy given to Mat which he reviewed. Mr. Masters says they believe the issue is a reporting requirement in the 1999 order to report monthly (a letter was satisfactory if no surveys were conducted). He did not renew in July 2014; and Mr. Feeney believed since he did not renew and “had no license” that he did not have to report because of that. Submitted a statement explaining this. Some of the following was in the statement, some was under questioning by his attorney. He did not renew in 2014 because he had not completed his continuing education. He has done no surveys while inactive. He plans on asking to be reinstated now since he has completed his continuing education. When his license expired, he did not believe he needed to report. He had always submitted reporting up until he expired; he believed that since he was not registered, he could not do any surveying, so he did not need to report. He understands that his assumption was wrong and he did not willfully disregard the order. Mat: When was the last time you performed a survey? He cannot remember. After some discussion and clarification, he apparently requested to come off probation in 2000 and in 2009 and was denied both times. Does he understand why his request was denied at the time? He believes that the board felt that he was not ready to resume full capacity as a land surveyor. JH: asked for clarification in statement on continuing ed. He did not have the continuing ed for the 2014 renewal, plus Terrance Lang is registered, so it was not a pressing issue. He believes he needs to renew in a two-step process. Coursework for CE was completed in late 2016 and early 2017, so he believes he can start renewal process. Ross: When do you intend to request reactivation? If the results of this hearing do not prevent so, he will be reapplying in short order. Ross: He recalled that he was denied because he had not done enough work for the board to evaluate his competency. He has achieved the necessary 24 hours of CE in the immediate 2 years if he wanted to apply to reactivate right now; he would then need to achieve 24 hours for the current period.
 - Post-hearing Discussion – original order required 6 surveys to be submitted prior to coming off probation. RH: He has no problem with misunderstanding of not submitting. Ball is in his court to submit for reactivation. Amy: Reactivation would happen very quickly.

Motion for: **APPROVAL** of **modification of probationary** order to clarify that he needs to report monthly, regardless of status of license until directed otherwise by the board. Also, the first board meeting after he submits a survey for review, he shall make a personal appearance - RH/ GK - Motion passed 7/0/0

4. **Ronald Morrison** - License No. LS80040314 – Cause No. SBRLS 12-05
Mat Rayman presented a settlement agreement negotiated by Michael Nossett and Gary Kent with Mr. Morrison and his attorney. This was a reporting issue also (similar to Mr. Feeney).

Motion to **APPROVE settlement agreement.** DL/JH.

Motion passed. 7/0/0

5. **Robert Haworth:** License No. LSHearing requested by Mr. Haworth to be removed from probation. Mat Rayman for State. Mr. Haworth has no attorney, but wishes to proceed without. Opening statement: He has been getting coaching from Gary Kent and feels his work has improved. Questions by Mike and Ross. Amy: Order was mailed out August 9th; he could request to come off after 6 months. 6 months ago was yesterday. State leaves to the Board's discretion.

Motion to **APPROVE removal from probation.** Doug/Gary.

Motion passed. 7/0/0

6. **Jeffery Kondy** - License No. LS20100068 – Cause No. SBRPS 16-05
Has not followed probationary order re: personal appearance at each Board meeting. Mat Rayman for State. Kondy has no attorney; he wishes to proceed without. Opening statement – Kondy missed the last meeting, because of absent-mindedness. State waived opening statement. Kondy apologized. Ross: How many surveys/month on average? He thinks about 6-8 boundaries/month. Board should have around 40 by now. Order said to submit for 6 months to a Board designee. That was Gary Kent, but it is not clear if that was communicated to Mr. Kondy. If he did not get off probation in 6 months, he needed to start submitting to a peer reviewer who would be approved by the Board. Jason: Did he try to contact anyone at the Board or IPLA regarding questions? No. Amy Hall testified that there have been 2 board meetings. Closing statements. Jeff: realized that he has been deficient and throws himself at the mercy of the board. Mat: respondent did not comply, but Board has concerns and may wish to modify the terms.

- Discussion: RH - Monticello wording has to be corrected. Concerned that Kondy did not ask any questions.

Motion to APPROVE that Order should be corrected to remove any reference to a city. Specify that the Board designee is Gary. Restart probationary order starting now, and submit surveys from here on for 6 months - DL/RH - Motion passed. 7/0/0

IX. PERMIT/LICENSURE APPLICATIONS

1. Grout - Tabled for more information regarding education
2. Fischer- Tabled for more information regarding education

X. PERSONAL APPEARANCE

1. Don Mason- License No. LS80040449 - Request for CE waiver - He renewed and said he did not get his hours, but it appears that his letter is requesting waiver of the CE requirements for 2014-2016.

Motion to **APPROVE**

Motion passed: 7/0/0

XI. DISCUSSION

- A. April Exam:** John Stephens and Gary Kent are meeting to prepare. Suggest that examinees pass both multiple choice and description writing at 70%. MD/RH. Passed.
- B. NCEES Delegate:** Motion to send DL and JH and Amy Hall to NCEES meeting. RH/GK. Passed.
- C. Future Cities:** DL went to Terre Haute to judge.
- D. Implementation of Rule change:** Approved 10/6/16. Should we adopt a phase in? We did 4 years when we implemented the degree requirement; 2 years. GK – can we implement a phase-in? Gordon White (Board Legal Counsel): Rules are the law. He will look at it, but doubts that we can implement.
- E. Report from NCEES:** DL did attend Atlanta meeting, but did not go to MBA (Member Board Administrator) meeting. Board presidents and board administrators attend. Award to surveying schools as an incentive to get surveying students in.

XIV ADJOURNMENT at 12:02 p.m.

Motion to adjourn- DL/MD

Motion passed 7/0/0